

BOARD OF SELECTMEN – MEETING OF AUGUST 13, 2013
HARMONY HALL

PRESENT – Cathy Richardson, Chairperson, Joseph DiRocco, Jr., Vice Chair, Robert O. Cox, John J. Zimini, and Tony Archinski. Glen A. Edwards, Assistant Town Manager/Town Planner, and Samantha Carver, Recording Secretary.

The meeting was called to order at 7:00 p.m. by the Chairman.

The Pledge of Allegiance was recited followed by a Moment of Silence being observed in honor of those who have given the ultimate sacrifice and for those currently serving, especially in Iraq and Afghanistan.

WARRANT – Motion by Mr. DiRocco and seconded by Mr. Cox, **it was unanimously voted to approve.**

SPECIAL TOWN ELECTION WARRANT – Mr. Zimini made a motion to approve, and seconded by Mr. DiRocco, **it was unanimously voted to approve.**

Community Input –

*Mr. Andrew Blatus – 32 Forest Park Road – spoke on behalf of his son regarding the wrestling waiver requested and the denial by the Dracut School System and asked for assistance by the Board. Mr. Zimini through the Chairperson asked to have this put on their next agenda for a discussion.

*Mr. Rich Cowan – 12 Greenlawn Avenue – spoke on the override ballot question coming up in September.

Appointment

Mr. Michael Carroll, the Owner's Project Manager on the High School Project was present to give an update on the construction of the project. He stated that they are coming to the end of Phase I and the students will be moving into Phase I this September 5th. Phase II will consist of the majority of the building being under construction. Mr. Carroll also showed the Board a site logistics plan for the upcoming school year which was worked on for many hours with the School Superintendent, Supervisor of Buildings and Grounds and the Principle of the High School. The plan showed where the buses, teachers and students would be parking and traveling within the site while construction is ongoing. Mr. Carroll stated that this site plan will be posted on the school's website. Mr. Carroll finalized his discussion by inviting the Selectmen to a walk through of the project on Wednesday night at 6:00 p.m.

Agenda Items

Nikitas Flaris – Request for three one-day liquor licenses for the annual Grecian Festival held at the Assumption of Mary Greek Orthodox Church on Mammoth Road. Mr. DiRocco made a motion to approve, Mr. Zimini seconded the motion. The motion carried unanimously.

Dracut American Legion – 574 Broadway Road presents a petition to change the manager from Robert J. Demers to Richard N. Ducharme. Mr. Zimini made a motion to approve, Mr. Cox seconded the motion. The motion carried unanimously.

Avenue Pub – 1629 Lakeview Avenue – The Board reviewed a letter penned by Town Manager Piendak to Mr. Don McNiff, Manager of Avenue Pub. The Board also reviewed a memorandum issued by Town Manager Piendak to the Board of Selectmen noting that he has received no response verbally or in writing from Mr. McNiff on his inquiry on the status of the business. The Board would like to have a show cause hearing on this matter and Attorney Hall will draft the language for the letter to go certified mail to Mr. McNiff. Mr. DiRocco made a motion to hold a Show Cause Hearing on 1629 Lakeview Avenue Avenue Pub to be held at the meeting on September 24, 2013. Mr. Zimini seconded the motion. The motion carried with a majority vote in favor. Mr. Cox abstained from voting.

Vocational School District Representation – Ms. Richardson stated that she and Attorney Hall had attended two meetings on this subject in Tyngsboro and in Lowell. Attorney Hall stated that the City of Lowell is actually driving this request for the Town to reconsider their representation in the regional school. Mr. Hall explained the choices to the Board of options other than the one man one vote option. He discussed having an election where all the communities vote on the same day for their Regional District representatives and each community can vote for the representatives in the other communities. Attorney Hall stated that it seems like the Town's are in favor of it except for Dunstable because they have had the same representative for many years. Mr. Hall stated another option is to have the Board appoint the representatives and the third option is to give Dracut a third vote. There was some question whether this would be under judicious scrutiny due to Dracut being just shy of the 30,000 population. Attorney Hall stated that the eight folks on the Vocational School Board would also have to weigh in on this. The Board would like time to think about this issue. Attorney Hall stated that Lowell is looking for an answer within the next month.

Public Safety Issue – It has been brought to the Board's attention that there are signs on a fence between two properties on Varnum Road that may be causing a public safety issue. Attorney Hall had pictures of the signs. The Board also

had a memorandum from Deputy Chief Chartrand dated August 9, 2013. Attorney Hall stated that this clearly lies under the purview of the Building Inspector and currently he is on vacation however Attorney Hall also cautioned that a person's first amendment rights are well protected and this could be in line with those protections. Attorney Hall suggested that maybe a new Fence Viewer could be appointed to assess the situation, explain that these signs could create a nuisance and see if they can reach an understanding with the owner of the signs. The Building Inspector could be invited in to a meeting to get his view on the signs. If the Owner of the signs is aggrieved by the Building Inspector's decision to remove the signs they have the option to go to the Zoning Board of Appeals and appeal his decision.

Approval of Minutes

Mr. DiRocco made a motion to approve the minutes of July 9, 2013 as presented. Mr. Cox seconded the motion. The motion carried unanimously.

Mr. DiRocco made a motion to approve the minutes of July 16, 2013 as presented. Mr. Cox seconded the motion. The motion carried unanimously.

Report of the Safety Sub-Committee - Mr. DiRocco reported that the safety sub-committee met with Police Chief Richardson and Deputy Police Chief David Chartrand. There was a discussion on the recent amount of house breaks in Dracut and how neighborhoods could be informed of these incidents. They discussed reporting them in the newspaper or using the Reverse 911 system. There was also a discussion on putting them on the website once a month to show where these are happening. Deputy Chief Chartrand talked a lot about understaffing at the Police Department and how they are being reactive and not proactive due to being short staffed. Mr. DiRocco stated that they could have the Police Chief come in to a Selectmen meeting once a month and talk about things happening in town. Mr. DiRocco will talk with the Chief to have him come in and update the Board.

Mr. DiRocco made a motion to approve the safety sub-committee minutes of July 22, 2013 as presented. Mr. Zimini seconded the motion. The motion carried unanimously.

Old Business

Parker Avenue School – Mr. Zimini stated that this item is not properly before the Board. He stated he had requested a copy of the lease for himself from the School Department but that they have never formally filed a request to discuss this issue with the Selectmen. Mr. Zimini suggested a motion be made requesting that Attorney Hall review the lease and then have the School

Committee come before the Board for a discussion. Ms. Richardson acknowledged Mr. McNamara at the microphone and allowed him to make a statement. Mr. Zimini felt this was in violation of the open meeting law. Mr. McNamara stated that members of the School Committee are here tonight along with the Business Agent and the Superintendent and asked if the Board could ask the questions they had to try and move this issue along. Mr. Archinski stated that he believes that the School Department made an innocent mistake believing that they had the authority to enter into this lease on behalf of the Town and would be willing to hear from someone with the knowledge about this project to explain it.

Mr. Zimini stated this issue is not properly before the Board and it is a matter of the open meeting law being violated because it is not properly on the agenda.

Mr. Cox suggested making a motion to table this item until such time that Attorney Hall has had an opportunity to review the lease.

Mr. Archinski felt that Superintendent Stone or the School Committee should be given an opportunity to speak on the issue. Mr. Zimini stated he wanted the public properly notified on this matter before the issue is heard.

Mr. Cox made a motion to table this item until the Board's next meeting on September 10, 2013. Mr. Zimini seconded the motion. The motion moved to a vote with the vote carrying 4 in favor 1 opposed.

Mr. McNamara stated they have attempted to have the two Boards come together on this issue, they still have the building permit out there, they are here in good faith to get this resolved, he felt this agreement will be good for the School as well as the Town. He stated Attorney Murphy and Attorney Hall were supposed to get together on this issue. He stated four of the five Committee members are here, the Superintendent is here with the financials.

Attorney Hall stated that he has seen the lease and had a brief discussion with Counsel Murphy for the School Department however he has not been given direction by the Board of Selectmen to review this lease. Attorney Hall did speak briefly with the Department of Education but he explained that he works for the Board and that he waits for direction from the Board.

Ms. Richardson asked Superintendent Stone if he had any financials in writing with him tonight that he could hand out to the Board for them to take a look at before the next meeting. He responded he did not.

Mr. Zimini stated that the Board is not prepared to discuss this subject this evening.

Community Calendar – Chairwoman Richardson announced the following items for community calendar:

- Absentee Ballots for upcoming 2 ½ Override Election
- Last day to register to vote for this election is Tuesday August 20, 2013 8:30 a.m. to 8:00 p.m.
- Dracut Firefighters Annual Charity Golf Tournament
- Summer Compost Dates
- Dracut Recreation Flag Football and Fall Baseball signups

Chairwoman Richardson stated Town Counsel needs the Board to go into executive session on a litigation matter and a personnel matter. Mr. Zimini made a motion to go into executive session at 9:55 p.m. for the purpose to discuss strategy on a litigation matter and to discuss a personnel matter and come out of executive session and adjourn the meeting. Mr. DiRocco seconded the motion. By roll call vote: Mr. Cox – yes, Mr. DiRocco – yes, Mr. Archinski – yes, Mr. Zimini – yes and Ms. Richardson – yes.

Mr. Cox made a motion to end the executive session at 10:25 p.m. and to adjourn the meeting. Mr. Zimini seconded the motion. By roll call vote: Mr. Cox – yes, Mr. DiRocco – yes, Mr. Archinski – yes, Mr. Zimini – yes and Ms. Richardson – yes.

Mr. Cox made a motion to adjourn the meeting at 10:25 p.m. Mr. Zimini seconded the motion. The motion carried unanimously.

BOARD OF SELECTMEN

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